



U.S. Army Corps  
of Engineers

PN08-58

# Public Notice

In Reply to Application Number  
CENAB-OP-RMN (AA DPW/PARISH CREEK/DREDGING)  
2008-63294-M24

Comment Period: 02 September 2008 to 02 October 2008

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC ABOUT THE WORK DESCRIBED BELOW. AT THIS TIME, NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED.

The Baltimore District has received an application for a Department of the Army Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344), as described below:

APPLICANT: Anne Arundel County Department of Public Works  
2662 Riva Road  
Annapolis, Maryland 21401

LOCATION: In Parish Creek, near Shady Side, Anne Arundel County, Maryland

WORK: To hydraulically or mechanically dredge a 1,322-foot by 50-foot main channel and 125-foot by 30-foot wide channel to a depth of -6.0 feet mean low water (MLW) in the North Fork of Parish Creek. To hydraulically or mechanically dredge a 615-foot by 40-foot channel and a 160-foot by 30-foot wide channel to a depth of -6.0 feet mean low water (MLW) in the South Fork of Parish Creek. Additionally, 10 associated spur channels, listed below, are proposed for dredging. The overall dredging will result in approx. 18,255 cubic yards of dredged material to be deposited at the Idlewilde dredged material placement (DMP) site or other approved County DMP site. The permit for these projects, if approved, would authorize periodic maintenance dredging for a period of six years from the date of the authorization, subject to prior notification of the District Engineer and availability of an adequate disposal site for the dredged material. The purpose of the proposed work is to improve navigable access along Parish Creek. All work is to be completed in accordance with the enclosed plan(s). If you have any questions concerning this matter, please contact *Ms. Mary Frazier at 410-962-5679 or Mary.A.Frazier@usace.army.mil.*

## Spur Channels:

**2008-63296** – Clark's Landing at Shady Side. To hydraulically or mechanically dredge an irregularly shaped spur channel in the North Fork totaling 1,442 square feet to -6.0 feet MLW and deposit approx. 3450 cubic yards of dredged material at the Idlewilde dredged material placement (DMP) site or other approved County DMP site and to provide for periodic maintenance dredging for a period of six years from the date of the authorization.

**2008-63297** – Leatherbury Marina. To hydraulically or mechanically dredge an irregularly shaped spur channel in the North Fork totaling 38,800 square feet to -6.0 feet MLW to access the AACO main navigational channel. To hydraulically or mechanically dredge an irregularly shaped spur channel in the North Fork totaling 30,450 square feet to -8.0 feet MLW to access the federal navigation channel. To deposit approx. 4,600 cubic yards of dredged material at the Idlewilde dredged material

placement (DMP) site or other approved County DMP site and to provide for periodic maintenance dredging for a period of six years from the date of the authorization.

**2008-63298** – Donald & Margaret Sheckells. To hydraulically or mechanically dredge a 112-foot by 20-foot spur channel and a 230-foot by 35-foot spur in the South Fork totaling 13,130 square feet to -5.0 feet MLW to access the federal navigation channel. To deposit approx. 490 cubic yards of dredged material at the Idlewilde dredged material placement (DMP) site or other approved County DMP site and to provide for periodic maintenance dredging for a period of six years from the date of the authorization. To install 2 mooring piles to extend no more than 34 feet channelward of the existing bulkhead.

**2008-63299** – Kendal & Rosalie Gross. To hydraulically or mechanically dredge an 85-foot by 120-foot spur channel in the South Fork totaling 8,500 square feet to -5.0 feet MLW to access the AA CO main navigation channel. To deposit approx. 350 cubic yards of dredged material at the Idlewilde dredged material placement (DMP) site or other approved County DMP site and to provide for periodic maintenance dredging for a period of six years from the date of the authorization.

**2008-63300** – Trustee of Kendal & Rosalie Gross. To hydraulically or mechanically dredge a 20,400 square foot irregular area to -6.0 feet MLW to access the AA CO main navigation channel in the South Fork. To deposit approx. 1,750 cubic yards of dredged material at the Idlewilde dredged material placement (DMP) site or other approved County DMP site and to provide for periodic maintenance dredging for a period of six years from the date of the authorization.

**2008-63301** – Beville W. Gross. To hydraulically or mechanically dredge a 36-foot by 36-foot area at the end of a proposed pier and a 154-foot by 20-foot spur channel to -5.0 feet MLW to access the federal navigation channel in Parish Creek. To deposit approx. 440 cubic yards of dredged material at the Idlewilde dredged material placement (DMP) site or other approved County DMP site and to provide for periodic maintenance dredging for a period of six years from the date of the authorization. To install a 202-foot long pier with a 16 X 10 platform, 4 mooring piles for 2 boatlifts and 1 osprey piling to extend no more than 202 feet channelward of the existing bulkhead.

**2008-63302** – Oren Lewis. To hydraulically or mechanically dredge a 187-foot by 20-foot spur channel to -7.0 feet MLW to access the federal navigation channel in Parish Creek. Project also includes dredging a 65-foot by 20-foot area channelward of existing pier to -7.0 feet MLW. To deposit approx. 1800 cubic yards of dredged material at the Idlewilde dredged material placement (DMP) site or other approved County DMP site and to provide for periodic maintenance dredging for a period of six years from the date of the authorization.

**2008-63303** – Ralph Everett Yates. To hydraulically or mechanically dredge a 6,460 square foot area to -5.0 feet MLW to access the federal navigation channel in Parish Creek. To deposit approx. 270 cubic yards of dredged material at the Idlewilde dredged material placement (DMP) site or other approved County DMP site and to provide for periodic maintenance dredging for a period of six years from the date of the authorization.

**2008-63304** – Darrin Sobin. To hydraulically or mechanically dredge an 11,160 square foot area to -5.0 feet MLW to access the federal navigation channel in Parish Creek. To deposit approx. 925 cubic yards of dredged material at the Idlewilde dredged material placement (DMP) site or other approved County DMP site and to provide for periodic maintenance dredging for a period of six years from the date of the authorization. To install a 55-foot "L" pier and 33-foot finger pier to extend no more than 95 feet channelward of the existing bulkhead.

**2008-63305** – West River Properties. To hydraulically or mechanically dredge a 65-foot by 175-foot spur channel to -6.0 feet MLW to access the federal navigation channel in the South Fork of Parish Creek. To deposit approx. 480 cubic yards of dredged material at the Idlewilde dredged material placement (DMP) site or other approved County DMP site and to provide for periodic maintenance dredging for a period of six years from the date of the authorization. To install 540 linear feet of replacement bulkhead extending no more than 18 inches channelward of the existing bulkhead; to install 3 mooring piles to extend no more than 75 feet channelward of the existing bulkhead.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 04-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely effect essential fish habitat (EFH).

The project site lies in or adjacent to EFH as described under MSFCMA for *Scopthalmus aquosus* (windowpane flounder) juvenile and adult; *Centropristus striata* (black sea bass) juvenile and adult, *Pomatomus saltatrix* (blue fish) juvenile and adult; *Paralichthys dentatus* (summer flounder) larvae, juvenile and adult, and eggs, larvae, juvenile, and adult stages of *Peprilus triacanthus* (Atlantic butterfish), *Sciaenops ocellatus* (red drum), *Scomberomorus cavalla* (king mackerel), *Scomberomorus maculatus* (spanish mackerel), and *Rachycentron canadum* (cobia), all managed species under the MSFCMA

The project has the potential to adversely affect EFH or the species of concern by loss of nursery, forage and/or shelter habitat. The project may have an adverse effect on Essential Fish Habitat as described under the Magnuson-Stevens Fishery Conservation and Management Act for the species and life stages identified above. However, the District Engineer has made a preliminary determination that site-specific impacts would not be substantial and an abbreviated consultation will be conducted with NMFS. This determination may be modified if additional information indicates otherwise and would change the preliminary determination.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental

Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The applicant is required to obtain a water quality certification in accordance with Section 401 of the Clean Water Act from the District of Columbia Department of the Environment. Any written comments concerning the work described above which relate to water quality certification must be received by the Water Quality Division, District of Columbia Department of the Environment, 51 N Street, NE, 5<sup>th</sup> Floor, Washington, DC 20002 within the comment period as specified above to receive consideration. Written comments concerning the work described above related to the factors listed above or other pertinent factors must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21230-1715, within the comment period as specified above to receive consideration. The 401 certifying agency has a statutory limit of one year to make its decision.

The applicant must obtain any State or local government permits which may be required.

A preliminary review of this application indicates that the proposed work will not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination.

The Maryland Historical Trust is reviewing the project to assess its effects on historic properties pursuant to Section 106 of the National Historic Preservation Act of 1966. Currently unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. Any person who has an interest which may be adversely affected by the issuance of this permit may request a public hearing. The request, which must be in writing, must be received by the District Engineer, US Army Corps of Engineers, Baltimore District, PO Box 1715, Baltimore, Maryland 21203-1715, within the comment period as specified as above to receive consideration. Also, it must clearly state forth the interest which may be adversely affected by this activity in the manner in which the interest may be adversely affected.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and not being known to this office, who did not receive a copy of this notice.